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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,639	08/22/2001	Steven L. Bennett	1583 CIP 2 CON 2	9271
7590	06/10/2003			6
Mark Farber c/o U.S. Surgical, a division of TYCO HEALTHCARE GROUP LP 150 Glover Avenue Norwalk, CT 06856			EXAMINER	
			BUTTNER, DAVID J	
		ART UNIT	PAPER NUMBER	
		1712		

DATE MAILED: 06/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO. 9-934639	FILING DATE 8/22/01	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION BENNETT	ATTORNEY DOCKET NO. 203-654-CIPII- CONII
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EXAMINER

BUTTNER

ART UNIT	PAPER
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1712 6

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See attached

Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

This application is claiming the benefit of a prior filed nonprovisional application under 35 U.S.C. 120, 121, or 365(c). Copendency between the current application and the prior application is required.

Also note the time period for adding additional benefit claims has expired (MPEP 201.11(v)).

Newly submitted claims 9-26 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: None of the newly added claims require "adhesive" as in original claim 1. Claims 9-25 are drawn to coated articles rather than a composition as in original claim 1. Claim 26 is drawn to a composition requiring diketene end groups rather than lysine isocyanate as in claim 1. Claims 6-8, 20 and 21 do not require a "star" polymer as in claim 1. Claims 6-8, 20 and 21 require a majority of alkylene oxide units, but claim 1 never had such a limitation.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 9-26 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The amendment filed on 4/9/03 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because of the reasons explained above.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Note EP 693294 would still clearly meet many of the proposed claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Buttner whose telephone number is 703-308-2403. The examiner can normally be reached on Weekdays from 10:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Dawson can be reached on 703-308-2340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

DAVID J. BUTTNER  
PRIMARY EXAMINER

D. Buttner/mn  
June 9, 2003

*David J. Buttner*